

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

WILLIAM D. GARLAND

PLAINTIFF

v.

Civil No. 06-5168

RANDAL DENZER,
SHERIFF TIM HELDER, and
SGT. LUTHER

DEFENDANTS

ORDER

Plaintiff's complaint was filed in this case on September 15, 2006. Before the undersigned is the issue of whether the complaint should be served. In order to assist the court in making such determination, it is necessary that plaintiff provide additional information.

Accordingly, it is ordered that plaintiff complete and sign the attached addendum to his complaint, and return the same to the court **by December 15, 2006. Plaintiff is advised that should he fail to return the completed and executed addendum by December 15, 2006, his complaint may be dismissed without prejudice for failure to prosecute and/or for failure to obey an order of the court.**

IT IS SO ORDERED this 21st day of November 2006.

/s/ Beverly Stites Jones
HON. BEVERLY STITES JONES
UNITED STATES MAGISTRATE JUDGE

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ADDENDUM TO COMPLAINT

TO: WILLIAM GARLAND

This form is sent to you so that you may assist the court in making a determination as to the issue of whether the complaint should be served upon the defendants. Accordingly, it is required that you fill out this form and send it back to the court **by December 15, 2006**. Failure to do so will result in the dismissal of your complaint.

The response must be legibly handwritten or typewritten, and all questions must be answered completely in the proper space provided on this form. If you need additional space, you may attach additional sheets of paper to this addendum.

RESPONSE

In your complaint, you allege your rights were violated on when you were attacked by fellow inmates. Further, you contend that you have been denied medical attention and medication.

1. In your complaint, you state that you were a witness in a murder trial. Further, you indicate that Officer Robinson told you that you would be placed in protective custody. However, when you were not. Who did you ask to place you in protective custody?

2. Was this person made aware of your status as a witness for the state?

3. What was their reason for not placing you in protective custody?

4. Did the defendants have reason to know that you would be placed in danger if you were placed in the general population?

Answer: Yes _____ No _____.

If so, please explain.

5. Were you injured during the attack?

Answer: Yes _____ No _____.

If so, please describe your injuries.

6. Did your injuries necessitate medical treatment?

Answer: Yes _____ No _____.

If so, state when you were treated, where you were treated, and the name of the doctor/nurse treating you.

7. You state that you have had spinal surgery in the past. Please state the reason for this surgery and the date it occurred.

8. You state that you need to see a specialist for your back. Have you been referred to a specialist by another doctor?

Answer: Yes _____ No _____.

9. Have you filed a medical request to see a specialist?

Answer: Yes _____ No _____.

If yes, when did you file it and what was the response.

10. You state that you have been denied your medication. Please provide the name of each medication denied, the reason you are taking the medication, and the name of the doctor who prescribed it.

11. You state that the defendants have told you that your family will have to pay for your medication. Who told you this and when?

12. Are you alleging that you have not received your medications because you and your family are unable to pay for them?

13. You allege that defendants William Garland, Randal Denzer, Tim Helder, and Sergeant Luther have violated your federal constitutional rights. Please explain how each defendant has violated your rights.

WILLIAM GARLAND:

RANDAL DENZER:

TIM HELDER:

SERGEANT LUTHER

14. Are you suing the defendants in their individual capacity, official capacity, or both?
Claims against individuals in their official capacities require proof that a policy or custom of the entity violated your rights. Personal capacity claims, on the other hand, are those which allege personal liability for individual actions by officials in the course of their duties.

I CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS COVERED BY
THE VERIFICATION MADE BY ME ON MY INITIAL COMPLAINT.

WILLIAM GARLAND

DATE